

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31660 of 2022

Arising Out of PS. Case No.-81 Year-2015 Thana- SAHAJITPUR District- Saran

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Amit Singh @ Amit Kumar Singh Son of Sri Rajendra Singh Resident of
Village-Manopali, P.S.-Sahajitpur, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Kumari Wife of Amit Singh alias Amit Kumar Singh, D/o Rabindra Singh At present a resident of Village-Bhikhna Bandh, P.O.-Satjora, P.S.-Darauda, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with
Sahajitpur P.S. Case No.81 of 2015 registered for the offences
under Sections 341, 323, 379, 506, 498A of the Indian Penal
Code and 3, 4 of the D.P. Act.

As per the allegation, the petitioner who happens to be
the husband of the informant tortured his wife for the demand
of Rs.2,00,000/- and other household articles and his family



members were also involved in the alleged cruel behaviour with the informant.

The main submissions advanced by the learned counsel Mr. Harish Kumar for the petitioner are that the petitioner has been languishing in jail since 01.04.2022 and earlier, he was granted provisional anticipatory bail by this Court vide order passed in Cr. Misc. No.3907 of 2016 on certain conditions given to the Court below to confirm the said provisional bail and after that privilege the informant started living with this petitioner and one child took birth on 25.07.2017 and thereafter the informant's father took the informant with him and thereafter she did not return back at the petitioner's house and after that the petitioner filed a Modification Petition before this Court vide Cr. Misc. No.60757 of 2017 which was rejected mainly in the light of the provisions of Section 362 of Cr.P.C.

The main submissions advanced by learned counsel for the informant are that after the granting of provisional anticipatory bail to the petitioner the informant always remained willing to live in the company of the petitioner and admittedly she lived with him and one child took birth from their conjugal relationship and the said facts are sufficient to show the



informant's willingness to live in the company of petitioner and it is petitioner who himself violated the condition of the provisional anticipatory bail owing to that the said privilege was cancelled by the Court below, however the informant is ready to settle her dispute with this petitioner and she is even agree to one time settlement and in this regard, this Court also made some oral observations on last date but even then the petitioner is adamant to make no settlement of any type with the informant and as such the petitioner does not deserve to any lenient approach of this Court

Learned APP Ms. Asha Devi appearing for the State has also opposed the bail prayer.

Heard both the sides and perused the FIR and case record. The petitioner who happens to be husband of the informant has been languishing in jail since 01.04.2022 and he is presently facing trial and the alleged offences are triable by the magisterial Court, so in view of these facts it will not be proper to keep the petitioner behind the bars during the pendency of his trial, but however considering the informant's willingness to settle her dispute with this petitioner from all angles it will be proper to enlarge this petitioner on provisional bail for a period of nine months so that an effective conciliation



can be made between the petitioner and his wife on all points. Let the petitioner be enlarged on provisional bail for a period of nine months on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sahajitpur P.S. Case No.81 of 2015.

The Trial Court is directed to hold an effective conciliation in between both the spouses to find out an amicable settlement in between them. The provisional bail granted to the petitioner by this order shall be confirmed in the presence of any of the following circumstances.

A. If both the spouses become agree to live together.

B. If both the spouses agree to part their ways of life.

C. If the petitioner takes part in the conciliation meeting but even then no solution is found by the learned Court below to resolve the dispute between both the spouses.

If any of the above circumstances is available then the Court below shall confirm the provisional bail granted to the petitioner by this order.

It is clarified that if the petitioner does not take part in the conciliation or his attitude does not remain cooperative in the settlement of the dispute then the Court below shall take



serious action against him by cancelling his bail bond.

(Shailendra Singh, J.)

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